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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,510

09/16/2003

Gael Bouchy

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01/03/2007

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT

PAPER NUMBER

3679

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,510	<b>Applicant(s)</b> BOUCHY ET AL.	
	<b>Examiner</b> Greg Binda	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6,8,10-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8,10-12,17,18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

*Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance. In view of the decision mailed December 14, 2006, this application is eligible for continued examination. Prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on December 13, 2006 has been entered.

*Election/Restrictions*

3. Applicant elected Species I shown in Fig. 5 and timely traversed the restriction in the reply filed on March 22, 2005.

*Specification*

4. The substitute specification filed December 13, 2006 has not been entered because it does not conform to 37 CFR 1.125(b) because the statement as to a lack of new matter is missing.

*Claim Objections*

5. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

*Claim Rejections - 35 USC § 102*

6. Claims 1, 5, 6, 8, 10-12, 18 & 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Partio, US 5,393,102. Figs. 5 & 6 show a tension decoupler comprising: a first tension transmitting element 15 connected to a first part 15; a second tension transmitting element 11 connected to a second part 14; a set of first rupture members 14 arranged parallel to each other; and a set of second rupture members 13 to be parallel to each other and parallel to the first rupture members. Fig. 6 shows the second rupture members 13 are thicker than the first rupture members 14 which shows that the second rupture members 13 are stronger than the members 14 and thus resist fatigue and do not break until after the first members 14 break. Fig. 6A shows two second rupture members 13 and that each of the first rupture members 14 is between the two second rupture members.

*Claim Rejections - 35 USC § 103*

7. Claims 2 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Partio.
- a. Claim 2. Partio shows all the limitations of the claim, but does expressly disclose the number of first and second rupture members being equal. However, applicant has not disclosed that having the numbers equal to each other solves any particular problem or is for any other particular purpose. As such, using equal numbers of first and second rupture members is deemed to be a design consideration which fails to patentably distinguish over the prior art to Partio.
  - b. Claim 17. Partio shows the rupture members 13 & 14 as bolts/screws instead of rivets. However, it would have been obvious to one of ordinary skill in the art at the

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time of the invention to modify the tension decoupler of Partio by making the rupture members as rivets instead of bolts or screws since rivets are art recognized equivalents of screws and bolts. (See, for example, US 4,460,311, which discloses at col. 3, lines 56 & 57 that bolts screws and rivets are art recognized equivalents.)

*Allowable Subject Matter*

8. Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. WO 03/038241 and its U.S. equivalent, US 2005/0117828 show a tension decoupler. Trappmann, US 4,460,311, discloses at col. 3, lines 56 & 57 that bolts, screws and rivets are art recognized equivalents.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Greg Binda  
Primary Examiner  
Art Unit 3679